

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WISCONSIN**

CODY FLACK, *et al.*,

Plaintiffs,

v.

WISCONSIN DEPARTMENT OF  
HEALTH SERVICES, *et al.*,

Defendants.

Case No. 3:18-cv-00309-wmc  
Judge William Conley

**JOINT STIPULATION OF PARTIAL DISMISSAL**

Under Fed. R. Civ. P. 41(a)(1)(A)(ii) and the terms of a partial settlement agreement, Plaintiffs Cody Flack, Sara Ann Makenzie, Marie Kelly, and Courtney Sherwin (the “Named Plaintiffs”), and Defendants Wisconsin Department of Health Services (“DHS”) and DHS Secretary-Designee Andrea Palm, in her official capacity (“Defendants”) (collectively, the “Parties”), respectfully notify the Court that they have resolved the Named Plaintiffs’ claims for individual damages and the claims Relman, Dane & Colfax PLLC, Davis & Pledl, S.C., and the National Health Law Program (collectively, “Class Counsel”) for their reasonable attorneys’ fees, costs, and expenses incurred through the date of this Court’s entry of final judgment,<sup>1</sup> contingent on the Court’s entry of final judgment for Plaintiffs in this case and final disposition of any appeal in Plaintiffs’ favor. The Parties’ partial settlement does not address or affect Plaintiffs’ other claims for declaratory, injunctive, and equitable relief, except for the reasonable attorneys’ fees, costs, and expenses for Class Counsel on those claims.

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<sup>1</sup> This includes claims for attorneys’ fees, costs, and expenses incurred by Plaintiffs’ former counsel, McNally Peterson, S.C., through that firm’s termination on March 14, 2019, which will be distributed by Class Counsel pursuant to a separate agreement.

Accordingly, the Parties jointly stipulate to the dismissal with prejudice of the Named Plaintiffs' claims for individual damages and Class Counsel's claims for reasonable attorneys' fees, costs, and expenses incurred through the date of this Court's entry of final judgment.

Dated: October 30, 2019

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